

IN THE UNITED DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

LARRY T. LACY

Plaintiff,

vs.

THE CITY OF WADLEY

Defendant.

2008 JAN 23

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

2008 JAN 23 A 9:41

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

3:08CV56-MHT
CIVIL ACTION NUMBER:
JURY DEMAND

COMPLAINT

I. NATURE OF CASE

1. This action is brought pursuant to the FLSA, 29 U.S.C. §201 *et seq.*, to recover unpaid wages and overtime compensation owed to the Plaintiff. The defendant required the plaintiff to work in excess of forty hours a week without paying him overtime compensation.

II. JURISDICTION

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1331. Venue is proper in the Middle District of Alabama under 28 U.S.C. §1391(b).

III. PARTIES

3. The Plaintiff resided in Randolph County, Alabama and worked for the defendant from May of 2001 until December of 2006. At all times material to this action, the plaintiff was an "employee" of the defendant as defined by §203(e)(1) of the FLSA.
4. The Defendant, The City of Wadley, is a municipality conducting business in the state of Alabama.

IV. RELEVANT FACTS

5. That the Plaintiff was hired by the City of Wadley in May of 2001.
6. That for termination purposes, the City of Wadley alleges that he was hired as an "Interim Chief of Police."
7. That during the course and scope of his employment he was required to work numerous hours of overtime. He was required him to be "on call" for extended periods of time and was never compensated for any overtime.
8. That Plaintiff has provided Defendant with a timely filed "Notice of Right to Sue."

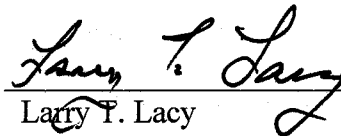
V. CAUSES OF ACTION, VIOLATION OF THE FLSA

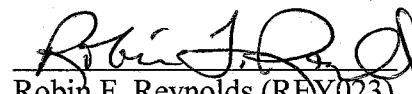
8. That the Defendant has wilfully and intentionally failed and/or refused to pay the Plaintiff for wages and overtime rates according to the provisions of the FLSA.
9. As a result of the Defendant's violations of the FLSA, Plaintiff has suffered damages by failing to receive overtime wages in accordance with the FLSA.
10. In addition to the amount of unpaid overtime wages owed to the Plaintiff, the Plaintiff is also entitled to recover an additional, equal amount as liquidated damages, prejudgment and post judgment interest.

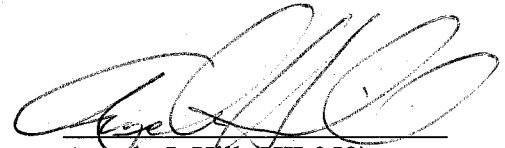
WHEREFORE the Plaintiff prays for the following relief:

1. Award the plaintiff damages in the amount of his respective unpaid compensation, plus an equal amount of liquidated damages and/or prejudgment and post judgment interest;
2. Enter an Order requiring the Defendant to make the Plaintiff whole by awarding his lost wages (plus interest), lost overtime (plus interest), liquidated damages, and pre and post judgment interest.
3. Award the Plaintiff reasonable attorneys' fees, including the costs and expenses of this action; and
4. Award the Plaintiff such other legal and equitable relief including, but not limited to, any injunctive and/or declaratory relief, to which he may be entitled.

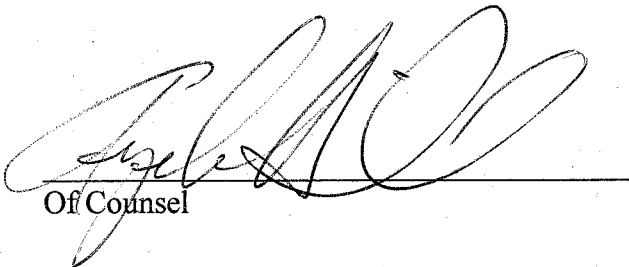
**JURY DEMAND
PLAINTIFF DEMANDS A TRIAL BY STRUCK JURY**


Larry T. Lacy
Plaintiff


Robin F. Reynolds (REY023)
Attorney for Plaintiff
139 S. Broadnax Street
Dadeville, AL 36853
256-825-8251 Phone
256-825-8201 Fax



Angela J. Hill (HIL052)
Attorney for Plaintiff
139 S. Broadnax Street
Dadeville, AL 36853
256-825-8251 Phone
256-825-8201 Fax


Of Counsel

DEFENDANT'S ADDRESS

City of Wadley
PO Box 9
Wadley, AL 36276

DUPLICATE

Court Name: U S DISTRICT COURT - AL/M
Division: 2
Receipt Number: 4602003511
Cashier ID: brobinso
Transaction Date: 01/23/2008
Payer Name: ANGELA J HILL

CIVIL FILING FEE

For: ANGELA J HILL
Case/Party: D-ALM-3-08-CV-000056-001
Amount: \$350.00

CHECK

Check/Money Order Num: 3412
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00